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COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
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of Minorities
Fiftieth session
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Letter dated 3 August 1998 from the Permanent Representative of Armenia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission

I have the honour to transmit herewith* the text of the statement of the Ministry for Foreign Affairs of the Republic of Armenia of 20 April 1998 on the false propaganda campaign launched by the leadership of Azerbaijan.

I would be grateful if you would circulate the present letter and the above-mentioned statement as an official document of the fiftieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities under item 2 of the agenda.

(Signed): Karen NAZARIAN
Permanent Representative

* The attachment is circulated as received, in the language of submission only.

Statement issued on 20 April 1998

Recently, the leadership of Azerbaijan has launched a new campaign of lies and slander against Armenia and its people.

At one moment Azerbaijan disseminates various false accusations, at another it puts forward absurd claims to the territory of almost the whole of our country, at yet others, as if in a mockery of history and common sense, it claims the Azerbaijani people to be a victim of genocide.

The aim of these propagandistic steps, taken at the State level, is to achieve a solution of the Karabagh problem in line with Azerbaijan's own scenario, and to attempt to erase from the memory of mankind the crime of genocide planned and committed against Armenians throughout the present century over the whole of the territory of Nagorny-Karabagh, including its former capital, Shusha, as well as in Sumgait, Baku, Gyanja and other towns. Such propaganda also has an impact on the psychology of the Azerbaijani people, arousing unhealthy passions and unfounded hopes, and this in turn prevents the Azerbaijani leadership from pursuing flexible approaches in the negotiating process.

Armenia categorically condemns the destructive steps being taken by the Azerbaijani authorities, which are preventing the process of peaceful settlement of the Karabagh conflict. Their position bears witness to the unrealistic intentions of the Azerbaijani side and calls into question the possibility of advancing the negotiating process.

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Sub-Commission on Prevention of
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Fiftieth session
Agenda item 10 (b)

FREEDOM OF MOVEMENT: HUMAN RIGHTS AND POPULATION DISPLACEMENTS

Letter dated 3 August 1998 from the Permanent Representative of Azerbaijan to the United Nations Office at Geneva addressed to the Secretariat of the Sub-Commission

I have the honour to transmit to you herewith* information about refugees and internally displaced persons in the Republic of Azerbaijan.

I would be grateful if you could circulate the present letter and its annex as an official document of the fiftieth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities under item 10 (b) of the agenda.

(Signed) S. EIVAZOVA
Ambassador

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* The attachment is circulated as received, in the language of submission only.

GE.98-13506 (E)

Annex

INFORMATION ABOUT THE REFUGEES AND INTERNALLY DISPLACED PERSONS IN THE REPUBLIC OF AZERBAIJAN

General Information

Refugees deported from Armenia (1988-1989)	-	50149 families 243.682 persons
Meskheti Turks deported from Middle Asia and Kazakhstan (1990)	-	9.463 families 49.239 persons
Internally displaced persons from the occupied territories of the Republic of Azerbaijan	-	146.455 families 611.293 persons
Total number of refugees and internally displaced persons	-	206.067 families 904.214 persons

Expulsion of Azerbaijanis from the Nagorno-Karabakh region of the Republic of Azerbaijan

Number of Azerbaijanis in the Nagorno-Karabakh region before the beginning of the expulsion in 1988	-	50.000 persons

The territories of the Republic of Azerbaijan occupied by the armed forces of the Republic of Armenia

Districts	Dates of occupation
Khodjavand	February 2, 1992
Khodjali	February 26, 1992
Shusha	May 18, 1992
Kalbadjar	April 2, 1993
Djabrail	August 18, 1993
Fizuli	August 23, 1993
Gubadli	August 31, 1993
Zangilan	October 27, 1993

Number of occupied towns and villages	-	774
Number of perished during the war	-	20.000 persons
Number of invalids as a result of the war	-	50.000 persons
Number of hostages and missing persons	-	5180 persons (as at July 1, 1998)
Number of destroyed dwellings	-	102.000
Number of destroyed public buildings	-	7000
Number of destroyed general education schools	-	693

Number of destroyed medical facilities	-	695
Number of destroyed transport roads	-	800 km
Number of destroyed bridges	-	160
Number of destroyed water pipe-lines	-	2300 km
Number of destroyed electric lines	-	1500 km
Number of destroyed forest areas	-	250.000 he
Number of destroyed sowing areas	-	200.000 he
Number of destroyed historical monuments and museums	-	464
Total damage to Azerbaijan (initial estimation)	-	60 billion US dollars

The composition of the internally displaced persons and places of their settlement

Male	-	289.641 persons
Female	-	321.652 persons
Under 17	-	196.480 persons
School children	-	126.482 persons
Number of people having ability to work	-	301.359 persons
Unemployed	-	196.380 persons
Pensioners	-	116.554 persons
Orphans	-	5.000 persons
Lonely	-	4.000 persons

Ethnic composition

Azerbaijanis	-	606.633 persons
Russians	-	428 persons
Kurds	-	3.992 persons
Persons belonging to other ethnic groups	-	240 persons

Places of settlement

In tents	-	15.530 families 73.982 persons
In pre-fabricated houses	-	19.782 families 98.979 persons
In public buildings, schools, kindergartens, hostels	-	175.255 persons
In sanatoriums, rest homes, tourist and health camps	-	5.236 families 20.240 persons
At relatives	-	38.926 families 156.420 persons
In seized flats	-	8.954 families 35.471 persons

In unfinished buildings	-	10.616 families 44.502 persons
In farms	-	7.555 families 32.721 persons
In wagons or rail-cars	-	850 families 4.320 persons

Internally displaced persons from the areas of Azerbaijan bordering Armenia

Sadarak district	-	100 families 440 persons
Sharur district	-	90 families 275 persons
Agstafa district	-	216 families 1052 persons
Agjabadi district	-	667 families 3314 persons
Gazakh district	-	1776 families 6593 persons
Gadabay district	-	91 families 301 persons
Tartar district	-	1275 families 5.633 persons
Tovuz	-	71 families 349 persons
Agdam district	-	5452 families 21884 persons
Fizuli district	-	10.182 families 42.763 persons

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Note by the Secretariat

1. By letter dated 24 July 1998, the Permanent Representative of Eritrea to the United Nations Office at Geneva requested the High Commissioner for Human Rights to circulate as documents of the fiftieth session of the Sub-Commission, under agenda item 2, the statement issued at Asmara by the Ministry of Foreign Affairs of Eritrea on 3 July 1998 entitled "Ethiopia's gross violations of the human rights of Eritreans living in Ethiopia" and the statement issued on 24 July 1998 by the Ministry of Foreign Affairs of Eritrea entitled "Ethiopia's gross violation of basic human rights". These statements had previously been communicated to the Presidents of the General Assembly and the Security Council and to the Security Council, respectively, and are contained in document A/52/974-S/1998/611 and document S/1998/690, which are available to all participants.

2. In the same letter, the Permanent Representative of Eritrea requested the circulation of a document of the Eritrean News Agency (ERINA) dated 13 July 1998. That document is reproduced herewith as received, in the language of submission only.

Annex

Eritrean News Agency (ERINA)
ERINA Update
Monday, July 13, 1998

The Ethiopian government has been conducting an intensive hate campaign, with few parallels in our contemporary times, through its domestic mass media since the eruption of the border conflict last May. This campaign, which centres on distortion of the root causes of the conflict, the fabrication of outright lies, and particularly a demonization of Eritrean society and its institutions which are routinely portrayed as "racists and fascists," is designed to foment irrational hatred among the Ethiopian people so that they may support the regime's war plans without hesitation. The Ethiopian government appears to be changing gear now to solicit international support for its war aims through a similar campaign in the international press. Recent statements and press releases from the Office of the Government Spokesperson illustrate the extent of this vilification campaign.

i) In one of his inflammatory statements on Tigray Radio on May 28, 1998, the Governor of Tigray Administrative Region, Ghebru Asrat, retorted that "the Eritreans feel superior and look down on the Tigreyans .. They have always claimed and boasted: one germ exterminator can kill thousands of flies, one cat can kill fifty rats." The Ethiopian Foreign Ministry now falsely attributes this quotation to Eritrea's Head of State alleging in its press release of July 9, 1998 "Implying Eritrean superiority, Isaias has previously made insulting references to one flit (fly spray) can kill 1,000 flies."

ii) The same press release alleges that "Eritrea has expelled 200 Ethiopians into Djibouti ... These expulsions come after two and a half hour radio and TV appearance by President Isaias yesterday which was clearly intended to invoke violence against Ethiopian people." This is again pure fabrication. The Ethiopians, most of whom were stranded in Assab due to the closure of the road after the eruption of the conflict, were not expelled but left of their free will. Eighty of them left Assab on July 7, one day before the President's one hour interview with the local TV which occurred on Wednesday, July 8, 1998. The departure of the others had been delayed due to transport problems. (The Assab Administration assisted them through provision of sea transport. Indeed, four of their representatives have sent signed letters of gratitude on behalf of the group to the Assab Administration and to the Immigration Office when they arrived in Djibouti.) The President's interview focused on the prospects for peace, the economy and Ethiopia's incapacity to impose a solution by force. It contained no reference or inflammatory remark of any kind about Ethiopians residing in Eritrea. Furthermore, Eritrea's declared policy, as also embodied in the

resolution adopted by the National Assembly on June 26, 1998, is to ensure the "full respect of the right to live and work of all Ethiopian residents in Eritrea."

iii) In a statement to the foreign press on June 30, 1998, the Ethiopian Foreign Ministry alleged that "Ethiopian prisoners were paraded through the streets of Asmara while the Eritrean authorities encouraged people to stone them." Again, this was a pure fabrication. No such inhumane action ever took place. Moreover, while the Ethiopian Foreign Ministry has been falsely claiming that "about 600 Ethiopians have been imprisoned and continue to be exposed to the worst form of torture," the Ethiopian Charge d'Affaires in Asmara has admitted to UN agencies and the OAU Committee of Ambassadors who visited the capital at the end of June that the alleged "number of detainees was 57." Even this figure was inflated by his own admission as he said that some of these detainees "had been long released while many others were petty traders arrested long before the crisis for ordinary criminal and civil offenses."

iv) The Ethiopian Foreign Ministry is also distorting developments in the peace process. To this end, the Foreign Ministry has arrogated to itself the role of spokesperson for visiting Heads of State. Thus, although President Kabila and President Museveni did not make any public statements regarding their respective visits to both capitals recently, the Ethiopian Foreign Ministry has falsely quoted them as saying that their visits "have failed due to Eritrea's rejection" of their proposals. The reality is again different. And although we do not wish to follow suit to put words in the mouths of these leaders, we are compelled under the circumstances to state the nature of the discussions that took place during their visits to Asmara. President Kabila proposed direct talks between the two leaders which was fully accepted by Eritrea. President Museveni suggested some form of neutral administration in the contested zones until the dispute is resolved through legal and peaceful means. This proposal was again accepted by Eritrea. Thus, if the initiatives have not produced the desired results, the answer must lie in Addis Ababa.

These abhorrent attempts to manipulate public opinion will not work as Ethiopia does not have a monopoly of the truth. But the examples cited above illustrate the extent to which the Government of Ethiopia is prepared to go to deceive public opinion in the footsteps of the Mengistu regime which had created an elaborate Department to fabricate and disseminate false information.

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Agenda item 12 (a)

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN OR MAY BE CONCERNED

THE FIFTIETH ANNIVERSARY OF THE ADOPTION OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Letter dated 11 August 1998 from the Permanent Representative of the Republic of Azerbaijan to the United Nations Office at Geneva addressed to the secretariat of the Sub-Commission

I have the honour to transmit to you* the decree by the President of Azerbaijan on additional measures to provide for freedom of speech, thought and information.

I would be grateful if you could circulate the present letter and the above-mentioned decree as an official document of the fifty-eth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities under item 12 (a) of the agenda.

(Signed) S. EIVAZOVA
Ambassador
Permanent Representative

* The attachment is circulated as received, in the language of submission only.

Decree
by the President of the Republic of Azerbaijan
on additional measures to provide for freedom of speech, thought and information

Ensuring of human and citizens' rights and freedoms has been reaffirmed in the Constitution of the Republic of Azerbaijan as a main goal of our state. Serious measures are undertaken with the aim of full utilisation of the state's political-legal and economic potential in order to achieve this goal and create relevant legal mechanisms.

Every condition has been created in the country in order to allow the formation of institutions characteristic to the democratic societies and allow for free political activity. For the first time democratic parliamentary elections were held in the country on the basis of multiparty system, Constitution was adopted by national referendum ensuring the principles of political pluralism, freedom of speech, press, conscience, protection of human rights and the rule of law.

Republic of Azerbaijan which has accepted the rule of universal values, establishment of democratic, legal and secular society as a model for development, has joined international conventions and treaties that guarantee human rights, freedom of speech and press.

Mass-media is considered as important means of democracy and openness. The Azerbaijani state takes necessary measures for their independent establishment, free activity and development. Today there are hundreds of newspapers and magazines, tens of radio and television stations, numerous information agencies function in the Republic of Azerbaijan.

Their vast majority are owned by private structures, individuals and different political and social organisations with various orientations. There are unlimited possibilities for mass media to express freely their opinions, bring into public the information of open and non-sensitive character not containing state secrets.

There are certain problems in Azerbaijan in the sphere of ensuring of freedom of speech and press, as well as in field of their proper and efficient use in the interests of citizens and state, and certain measures are needed to be taken in the direction of solving those problems.

One of the problems is connected with the activities of the Main Directorate on Protection of State Secrets in the Press and Other Forms of Mass-Media near the Cabinet of Ministers. This directorate was founded during the Soviet time - on 27 October 1966 and was carrying out censorship over all mass-media in Azerbaijan. Despite the fact that on 5 December 1990 the Soviet of Ministers of Azerbaijan SSR passed its new platform of work, no serious changes took place in its work eversince.

After Azerbaijan regained its independence, Acting President of Azerbaijan Y.Mamedov issued a decree on 12 April 1992 in accordance with which, under the pretext of introduction of military censorship, the control of this Directorate over the press has intensified. Later, on 15 April 1993 the President of Azerbaijan A.Elchibey with his decree broadened the sphere of application of the censorship embracing not only military secrets but also all the other sorts of information thus limiting free activities of journalists and toughening the activity of the directorate.

In subsequent years due to the fact that the law on state secrets in Azerbaijan was not adopted no substantial change occurred in the work of the directorate. Serious changes have been made in methods of its work after the adoption of the Law of the Republic of Azerbaijan "On State Secret" of 15 November 1996. Nonetheless, this institution failed to adapt itself to a new situation.

However, this is not the only problem with press in Azerbaijan. One of the main goals of our state policy is to continue Azerbaijan's modern mass-media traditions, its enrichment with modern international experience, improvement of logistical situation of mass-media, efficient use of its possibilities in the spheres of construction and development of law-governed state, realisation of democratic reforms.

Press and television should take care of preservation, development and dissemination of national moral values of our people among broad layers of public. Both the state and the mass-media organs themselves should do a lot of work in the direction of elevating the professional level of journalists, fostering objective attitude towards mass-media organs among the public, utilising with responsibility and professionalism the possibilities of press. From this point of view such personal features as patriotism, high sense of citizen responsibility, professionalism, education, high morals are essential for people working in mass-media organs. The most important task facing each journalist should be to

make sure that mass-media meet requirements ensuing from the Azerbaijani national legislation and national moral code.

Considering the care on the part of the state towards press, development of independent mass-media, ensuring of citizens' freedom of thought, speech and information as state responsibility in the Republic of Azerbaijan, and in order to increase the efficiency of measures undertaken in order and to develop principles declared in the United Nations Universal Declaration on Human Rights of 10 December 1948, UN Covenant on Civil and Political Rights of 16 December 1966, European Convention on protection of human rights and fundamental freedoms of 4 November 1950, as well as dealt with by the Articles 47, 50 and 71 of the Constitution of the Republic of Azerbaijan, as well as to improve logistical situation of the mass-media, I hereby decide:

1. The Cabinet of Ministers must be charged to submit to the President within one month the draft of program of measures ensuring improvement of logistical situation of mass-media, protection of freedom of speech, thought, and information, adherence to the principles of political pluralism.

2. To recommend to the Milli Mejlis of the Republic of Azerbaijan:

During elaboration of relevant draft laws and their adoption to be guided by the principles of freedom of speech, thought, and information of people and citizens, declared in international conventions and treaties to which Azerbaijan has joined as well as in the Constitution of the Republic of Azerbaijan.

3. The Cabinet of Ministries of the Republic of Azerbaijan and Executive Office of the President of the Republic of Azerbaijan jointly with corresponding state structures must be charged:

- within one month to give proposals to the President of the Republic of Azerbaijan on creation of mechanism, which will be able to provide for protection of freedom of speech, thought and information, protection of state secrets in mass media, respect of legal and ethic norms according to the international standards and laws of the Republic of Azerbaijan.

-within one month to submit relevant proposals to the President of the Republic of Azerbaijan on exemption of mass media organs from the value added tax (VAT);

- regulating the freedom of speech, thought and information;

-providing full accordance of normative legal acts to international standards;

-full implementation of the international treaties, supported by the Republic of Azerbaijan;

-intensification of mutual relations and close co-operation with international associations as well as non-governmental organisations and further development of existing co-operation;

-providing participation of specialists in the international centres with the purpose of being acquainted with the relevant research and education programs;

-within two months submit proposals to the President of the Republic of Azerbaijan on measures to create conditions for relevant state organisations and non-governmental organisations, mass media representatives to participate in international conferences, seminars, symposiums and other events.

4. The Ministry of Foreign Affairs in co-ordination with relevant structures must be charged:

-to study the possibility of joining of the Republic of Azerbaijan to international conventions on protection of freedom of speech, thought and information and during two months submit proposals to the President of the Republic of Azerbaijan.

-to provide central libraries of the Republic with documents on protection of freedom of speech, thought as well as existing publications in this field, which are adopted by the international organisations.

5. The Ministry of Press and Information together with the Ministry of Education using possibilities of non-governmental public organisations must be charged :

-to implement real measures to improve professional skills and education level of journalists, to make them realise high citizen responsibility as well as moral values.

-to provide the explanation and dissemination of information systems and agencies of measures, implemented in our country in the sphere of protection of freedom of speech, thought and information.

6. To entrust to the State Company on Television and Radio-Broadcasting Company to organise the broadcasts dedicating the issues of protection of freedom of speech, thought and information.

7. The Main Directorate on Protection of State Secrets in Press and Mass Media near the Cabinet of Ministers must be abolished.

8. Decree of the President of the Republic of Azerbaijan No. 685, dated on April 16, 1992 on creation of the Military Censorship, and Order No.372, dated April 15, 1993 on establishment of control over the whole information broadcast are declared invalid.

9. It is must be explained that protection of state secrets in mass media is carried out in accordance with the Law of the Republic of Azerbaijan "On State Secret".

10. This Decree enters into force from the date it is signed.

Heydar Aliev

President of the Republic of Azerbaijan

Baku, August 6, 1998